

Amendment and Response

Applicant: Douglas G. Dunlap

Serial No.: 09/873,653

Filed: June 4, 2001

Docket No.: 10002842-1

Title: PRINTER SELECTION SYSTEM AND METHOD**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed December 16, 2004, in which claims 1-29 were rejected. With this amendment, claims 1-13 have been amended. Claims 1-29 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-10, 12-17, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer U.S. Patent No. 6,762,852. Claims 11, 18, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer U.S. Patent No. 6,762,852 in view of Mastie et al. U.S. Patent No. 6,515,756.

The Fischer U.S. Patent No. 6,762,852 has a publication date of July 13, 2004 and a filing date of October 5, 1999. The present application, however, has a filing date of June 4, 2001. While the Fischer patent has a filing date before the filing date of the present application, the publication date of the Fischer patent is after the filing date of the present application. As such, the Fischer patent is classified as a 35 U.S.C. 102(e) reference.

The present U.S. Patent Application No. 09/873,653 and the Fischer U.S. Patent No. 6,762,852 were, at the time the invention of the present U.S. Patent Application No. 09/873,653 was made, owned by Hewlett-Packard Company.

As the Fischer patent only qualifies as prior art under 35 U.S.C. 102(e) and the Fischer patent was used in an obviousness rejection under 35 U.S.C. 103(a) and common ownership of the present application and the Fischer patent has been established, Applicant submits that under the prior art exclusion of 35 U.S.C. 103(c), the Fischer patent does not qualify as a 35 U.S.C. 102(e) reference in the obviousness rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(3). See also MPEP § 706.07(a). Applicant, therefore, respectfully requests that the rejections of claims 1-29 under 35 U.S.C. 103(a) be withdrawn and that claims 1-29 be allowed.

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Title: PRINTER SELECTION SYSTEM AND METHOD**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-29 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert C. Sismilich at Telephone No. (858) 655-8329, Facsimile No. (208) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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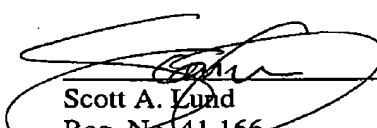
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 3rd day of March, 2005.

By 
Name: Scott A. Lund